

## REMARKS

Favorable reconsideration of this application is requested in view of the following comments. The revisions to claims 1, 13 and 30 are supported for example at page 16, lines 28-30 of the specification. Claims 1-31 remain pending.

Claims 1, 12, 13, 15, 26-28 and 29-31 have been rejected as obvious over Kuhn in view of Hodges. Applicants respectfully traverse this rejection

Claim 1 is directed to a method of electrochemically measuring a hematocrit (Hct) value of blood. Claim 13 is directed to an electrochemical sensor. Claim 30 is directed to a measuring device that includes a sensor with features tracking those of claim 13. Claim 1 requires the use of an electrode system having a working electrode and a counter electrode, with a redox substance being provided on the counter electrode but not the working electrode. The sensor of claim 13 also requires the use of an electrode system having a working electrode and a counter electrode, with a redox substance being provided on the counter electrode but not the working electrode. In both the method of claim 1 and the sensor/measuring device of claims 13/30, the application of a voltage to the electrode system to which a blood sample has been supplied results in a current that does not depend on the redox substance provided at the counter electrode but not the working electrode. For purposes of this response alone, the arguments for patentability are equally applicable to the method, the sensor and the measuring device, and Applicants will argue the method, sensor and measuring device claims together.

The combination of Kuhn and Hodges does not suggest the inventions of claim 1, claim 13 and claim 30. In Kuhn, as seen at Col. 2, lines 55-58, detection is based on a current generated by the oxidation or reduction of the electroactive compound. As seen at Col. 3, lines 21-26, ferricyanide/ferrocyanide materials are examples of the electroactive compound. These are known redox materials and in fact these are mentioned as the redox materials in the present application. See for example dependent claims 3-6. Therefore, Kuhn does not suggest the method, the sensor or the measuring device of claims 1, 13 and 30. Hodges likewise is directed to a system based on sensing

current depending on the redox agent. See e.g. Col. 9, lines 43-46. Therefore Hodges does not remedy the deficiencies of Kuhn and the rejection should be withdrawn.

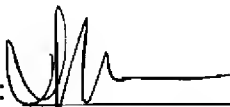
Claims 7, 8, 21 and 22, have been rejected as obvious over Kuhn, Hodges and Hasegawa. Claims 2-6 and 16 have been rejected as obvious over Kuhn, Hodges and Winarta. Claim 14 has been rejected as obvious over Kuhn, Hodges and Taniike. Claims 9-11 and 23-25 have been rejected as obvious over Kuhn, Hodges and Steuer. None of the additional secondary references remedies the deficiencies of Kuhn and Hodges, and these claims are allowable for at least the same reasons as claims 1 and 13. Applicants are not conceding the relevance of the references to the features of these claims.

In view of the above, favorable reconsideration in the form of a Notice of Allowance is requested. Please charge any required fee or credit overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902  
Minneapolis, MN 55402-0902  
(612) 455-3800

Dated: July 22, 2011

By:   
Douglas P. Mueller  
Reg. No. 30,300  
Customer No. 53148

DPM/gmd

**53148**

PATENT TRADEMARK OFFICE